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few days later from blood poisoning, which the physician testified was caused by pollution, either from the fishbone or insured's finger in removing it. The insurance certificate was conditioned on death being the result "of external, violent, and accidental means." It was claimed that, as the injury was altogether internal, no recovery could be had; but the court drew a distinction between an injury and the means of injury, and awarded a decree requiring the defendant association to levy an assessment on its members and pay the proceeds of insured's certificate. The court said that it would be presumed that, owing to the instincts of self-preservation, the bone had not been swallowed voluntarily, and that, even if taken carelessly, the fact of injury of this character from taking indigestible matter into the alimentary canal was so out of the ordinary as to constitute an accident; and that, while death was caused by blood poisoning, the poisoning itself would not have occurred had it not been for the accident.

Marriage of Alien Woman to Citizen.—Some interesting questions arise in the cases of *United States ex rel. Nicola v. Williams* and *United States ex rel. Gendering v. Same*, decided by the United States District Court for the Southern District of New York, and reported in 173 Federal Reporter, 626. In the first case, relator, a subject of Turkey, was married to a citizen of the United States, who brought her to this country, where she was stopped by the immigration authorities on the ground that she was suffering from a disease which would exclude her if an alien. The court held that immediately upon her marriage she became a citizen of the United States because of the citizenship of her husband, and could not therefore be excluded, notwithstanding she had never resided in this country. In the second case, the relator came to this country from Holland and married an alien Dutchman in New York. She afterward left her husband, and went back to Holland with a paramour. While residing in that country her husband became a naturalized citizen here. The court held that her citizenship followed that of her husband, notwithstanding her infidelity, and that she was entitled to re-enter this country.

Competency of Roman Catholic Jurors in Action against Bishop.—Because a Roman Catholic bishop was a party to an action, the lower court excluded from the jury all persons of Roman Catholic faith, without reference to their residence, or to any close affiliation with the local church, on the ground that they have a pecuniary interest in the suit analogous to that which taxpayers have in a suit against the city or town in which they reside. The Supreme Judicial Court of Massachusetts in *Searle v. Roman Catholic Bishop of Springfield*, 89 Northeastern Reporter, 809, holds that it cannot be

said that every person of the Catholic faith in a bishop's diocese has such pecuniary interest as the court can take notice of in every church owned by the bishop in every part of the diocese, and as would incapacitate him from acting as juror in a case involving its property. Defendant's right to have the excluded men sit as jurors unless challenged by plaintiff was violated, and at the outset it gave plaintiff an additional power of choice, making his right of peremptory challenge relatively more valuable, while defendant's similar right was made relatively less valuable.

False Personation by Nonmember Wearing Badge of Society.—As the membership in most societies, whether secret or otherwise, is the result of fitness and selection, which gives members standing and character at least among their fellows, and to a greater or less degree with the public, the Supreme Court of Indiana in the case of *Hammer v. State*, 89 Northeastern Reporter, 850, holds that he who wears a badge of a secret society without being a member thereof is guilty of false personation, and a statute prohibiting the wearing of such a badge by a nonmember is not in conflict with the Constitution, is a proper police regulation based upon public policy, and relates to matter of purely state concern. Although one may adorn himself as he pleases, he may not by so doing hold himself out to be one whom he is not, thereby assuming a status to which he is not entitled, where such adornment affects others or of which advantage may be taken to their detriment.

Death of Plaintiff Before Filing Petition.—The old question of computation of time by considering the day as a single unit comes up in a somewhat new form in *Peebles v. Charleston & W. C. Ry. Co.*, 66 Southeastern Reporter, 953. The petition in the case was filed about 4:30 or 5 o'clock in the afternoon of the day on which plaintiff died at about 1:40 p. m. The action was for damages resulting from the homicide of plaintiff's son, and would not survive unless begun by the parent himself. After amendment making the administrator a party, demurrer was filed by defendant on the ground that no action was pending at the time of decedent's death, and consequently there was nothing to which the administrator succeeded. As opposed to this contention it was claimed that, as the law regards the day as a single unit of time, it would be presumed that the petition was filed at the very beginning of the day, and consequently before plaintiff's death. The Georgia Court of Appeals rejects this view, however, and says that, where the precise hour when an act is done becomes material in determining the rights of the parties, the legal fiction as to time does not apply, and that the court will take notice of the precise hour at which an event occurred; and that, whether this be true or not, the legal fiction